

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL DOCKET NO. 13-133</b>
<b>v.</b>	*	<b>SECTION: “A”</b>
<b>NICOLE NICHOLAS</b>	*	<b>VIOLATION: 18 U.S.C. § 513(a)</b>
	*	
	* * *	

**FACTUAL BASIS**

If this case had gone to trial, the Government would have proven the following beyond a reasonable doubt through competent evidence and tangible exhibits:

A representative from Company “A” would testify that the company designs and manufactures turbine starters and starting systems, as well as performs ring gear conversions and rotary screw air compressor applications in the industrial and commercial machinery industry.

A representative from J.P. Morgan Chase Bank would testify that Company “A” had bank accounts at J.P. Morgan Chase Bank, the deposits of which are insured by the Federal Deposit Insurance Company. The same representative would testify that J.P. Morgan Chase Bank

is a legal entity that is engaged in interstate commerce, by providing services such as online banking, ATM, credit cards, and retail checking to customers.

Testimony would prove that the defendant, **NICOLE NICHOLAS**, (hereinafter referred to as **NICHOLAS**) who was employed by Company “A” from 1999 until June 22, 2010, was in charge of the accounting, banking and finances, including the accounts payable, of the business conducted by Company “A.” Evidence would prove that **NICHOLAS** also utilized a computer of Company “A” when accessing the business accounting software known as Quickbooks, to assist her in performing her duties with Company “A.”

A representative of Private School “A” would testify that the school is located in Mandeville, Louisiana and provides educational instruction from preschool through 7<sup>th</sup> grade. This representative would also testify that **NICHOLAS** had a family member attending this school, and that tuition payments were occasionally made from an account of Company “A.”

The representative of Company “A” would testify that these payments were done without authorization. Witnesses would also testify that **NICHOLAS** would make these checks payable to Private School “A,” by using a signature stamp to make it appear that the owner of Company “A” had in fact authorized the checks. When filling out these fraudulent checks to Private School “A,” **NICHOLAS** occasionally logged into computer accounting software in order to disguise the actual payee, and replaced it with “Internal Revenue Service” to give the appearance that Company “A” was paying the checks to the Internal Revenue Service for taxes, when in fact it was used for tuition payments for Private School “A.”

Testimony would prove that on or about May 22, 2009, one particular payment to Private School “A” was drawn on the Chase account of Company “A.” The check used was check

number 15451 in the amount \$3,398.09, and the signature was affixed by **NICHOLAS** using the owner's signature stamp without authorization.

A financial analyst and records would be used to prove that **NICHOLAS** made unauthorized charges totaling approximately \$65,295.73 from Company "A." These charges were made for private school tuition, mortgage payments, and for other personal items.

The above information comes from an investigation conducted by Special Agents of the Federal Bureau of Investigation, the review of numerous records, and interviews conducted during the investigation.

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NICOLE NICHOLAS  
Defendant

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JON MAESTRI  
Assistant United States Attorney

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SAMUEL SCILLITANI  
Attorney for Defendant Nicole Nicholas

New Orleans, Louisiana  
August 8, 2013